

DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

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TODD D. GRAY
DIRECT DIAL 202-776-2571
tgray@dlalaw.com

WASHINGTON, D.C.
1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036 6802
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222

ONE KAVINIA DRIVE • SUITE 1600
ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

March 20, 2003

03-15

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

March 20, 2003

Re: Request for Temporary Waiver of DTV Simulcasting Requirements

Dear Ms. Dortch:

On behalf of Milwaukee Area Technical College ("MATC"), we hereby request a temporary waiver of the DTV Simulcasting Requirements of Section 73.624(f) for noncommercial educational station WMVT-DT, Milwaukee, Wisconsin, so as to permit simulcasting of the NTSC service of station WMVT on sister station WMVS-DT, leaving the WMVT-DT free to air high definition ("HDTV") programming full time.

Background

MATC is the long-time licensee of two noncommercial educational ("NCE") television stations in Milwaukee: WMVS, Channel 10, and WMVT, Channel 36. Both stations operate from the same tower location, although the VHF station Grade B is somewhat larger than the UHF station Grade B.¹ The VHF Station WMVS generally airs a traditional public television programming service, including PBS national programming, such as national news and public affairs, informational and cultural programming, children's programming and local public affairs. The UHF Station WMVT is generally programmed with instructional and educational programming, how-to programming and some syndicated programming for which there is no available time on WMVS. There is common program content on the two NTSC stations, but always time shifted so that viewers can watch certain programs (including PBS prime time programming) at different times.

¹ See the attached information prepared by MATC's consulting engineer, John F. X. Browne, showing the stations' coverage contours and comparing the areas and populations served by each. With respect to the DTV coverage areas, using Longley-Rice, there is only a difference between the stations' coverage of 62,209 persons, representing only 1.8% of the 3,457,853 persons predicted to be served by the larger DTV contour of WMVS-DT.

MATC was one of the early proponents of digital television. It constructed and activated WMVS-DT with its full power facilities on Channel 8 in early 2000. WMVS-DT is licensed under File No. BLEDT-20000315ABP. MATC holds a construction permit (File No. BPEDT-19990429KV) for WMVT-DT on Channel 35, and WMVT-DT transmission equipment is all in hand or on order. Due to delays beyond MATC's control, however, MATC has requested an extension of time to complete construction of WMVT-DT, which is expected to be on the air with full power facilities during July of 2003 (File No. BEPEDT-20030303ABU).²

Simulcasting Plan

MATC has the capability of simulcasting 100% of WMVS and WMVT NTSC programming on its DTV stations. Rather than simulcast WMVS programming on WMVS-DT and WMVT programming on WMVT-DT, however, MATC would **like to implement** the following plan that simulcasts both NTSC station schedules on one of the DTV stations (the VHF Station WMVS-DT), leaving the other DTV station (the UHF Station WMVT-DT) free to carry HDTV programming on full-time basis

Thus,

MATC would operate WMVS-DT, Channel 8, 24 hours per day with a multi-cast SDTV schedule, simulcasting **BOTH** WMVS and WMVT programming schedules on three-hour delays, as well as up to three other programming services. These are currently contemplated to be PBS Kids (a 24 hours PBS package of children's programming), PBS YOU (a 24 hour PBS package of adult learning programs), and MPTV Extra (an experimental video-cam operation and scrolled programming schedule information with background music).

MATC would operate WMVT-DT, Channel 35, 24 hours per day with a single HDTV programming schedule, which would include PBS programming offered in HDTV format (which may, of course, duplicate some NTSC PBS programming on the other station), local HDTV productions, and other HDTV programming that MATC can acquire for the station. If necessary, at times, the station programming service would default to the PBS HDTV loop.

Advantages of MATC's plan

There are a number of advantages to this plan, which MATC believes would serve the public interest.

First, the plan satisfies the FCC's purpose behind the simulcasting requirement, which is to make sure that existing NTSC programming in the market is available on DTV stations, to encourage viewers to begin relying on DTV reception. Indeed, given that MATC would 100%

² Prior to the time that WMVT-DT is on the air, MATC will comply with the simulcasting requirements applicable to WMVS-DT by simulcasting at least 50% of the WMVS NTSC programming on WMVS-DT. Thus, the waiver MATC seeks here will be needed at the point that WMVT-DT takes to the air.

simulcast the programming of WMVS and WMVT, it would be two years ahead of the FCC's minimum requirements for simulcasting.

Because MATC has chosen to provide the simulcast service on WMVS-DT, which has a predicted coverage area slightly larger than the WMVT-DT coverage area, each potential DTV viewer of MATC's stations should be able to receive the simulcast programming. Even if MATC were to switch the roles of the two stations at some point in the future, the number of households that could receive WMVS-DT but not WMVT-DT is small relative to the total number who will be able to receive either of the stations, and this tradeoff would be appropriate to permit MATC to explore possible advantages of this approach. More importantly, however, pursuant to the *Memorandum Opinion and Order on Reconsideration* in MM Docket No. 00-39 (released November 15, 2001), the FCC has found it in the public interest to allow scores of other DTV stations to commence operation with low power facilities that will not enable all their NTSC viewers to receive DTV simulcasts.

Second, the plan would permit MATC to investigate the feasibility of an all-HDTV programming service, and its potential attractiveness to viewers in the market. The results of this experiment on the attractiveness of DTV programming services, and the possible inducement of potential viewers to acquire HDTV-capable DTV sets, could be useful to the FCC's consideration of policy issues going forward.

Third, the full-time HDTV service could become the "go to" DTV service in the market for TV sales outlets and other vendors that display DTV sets, encouraging the rollout of DTV sets and, thereby, the DTV transition.

Conclusion:

For these reasons, MATC requests a temporary waiver of the simulcasting requirements for Station WMVT-DT, to permit it's the WMVT NTSC program schedule to be simulcast on WMVS-DT.

MATC is a noncommercial educational licensee and operates stations WMVS and WMVT on a noncommercial educational basis. This request is therefore exempt from FCC filing fee requirements pursuant to Section 1.1114 of the Commission's Rules, and the facilities are exempt from FCC regulatory fees, pursuant to Section 1.1162 of the Rules. MATC's Anti-Drug Abuse Act certification pursuant to Section 1.2002(c) of the Rules and verification statement are attached.

Should any questions arise concerning this matter, please contact undersigned counsel for MATC.

Respectfully submitted,

A handwritten signature in black ink that reads "Todd D. Gray". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Todd D. Gray
Counsel for MATC

cc w/ encl.: Rick Chessen. FCC
Barbara Kreisman. FCC
Clay Pendarvis. FCC

ANTI-DRUG ABUSE ACT CERTIFICATION

The applicant certifies that, in the case ~~of~~ an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "part!," for these purposes, see 47 C.F.R. § 1.2002(b).

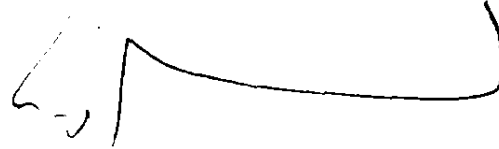
[X] Yes

[] No

VERIFICATION

The applicant hereby certifies under penalty of perjury that the factual statements made in the foregoing waiver request are true and accurate to the best of its ~~know~~⁷ledge and belief.

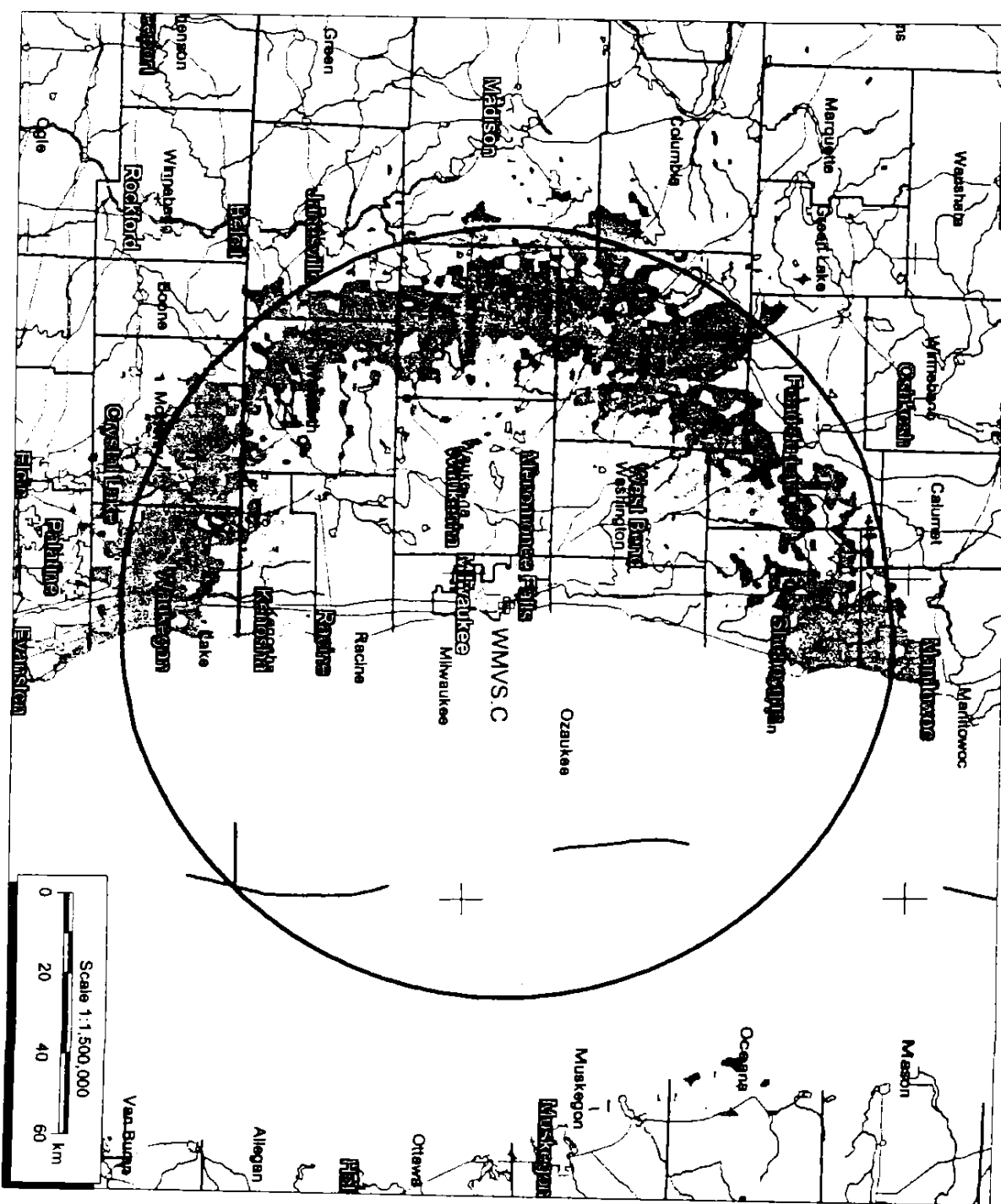
Milwaukee Area Technical College
Name of Applicant



Signature

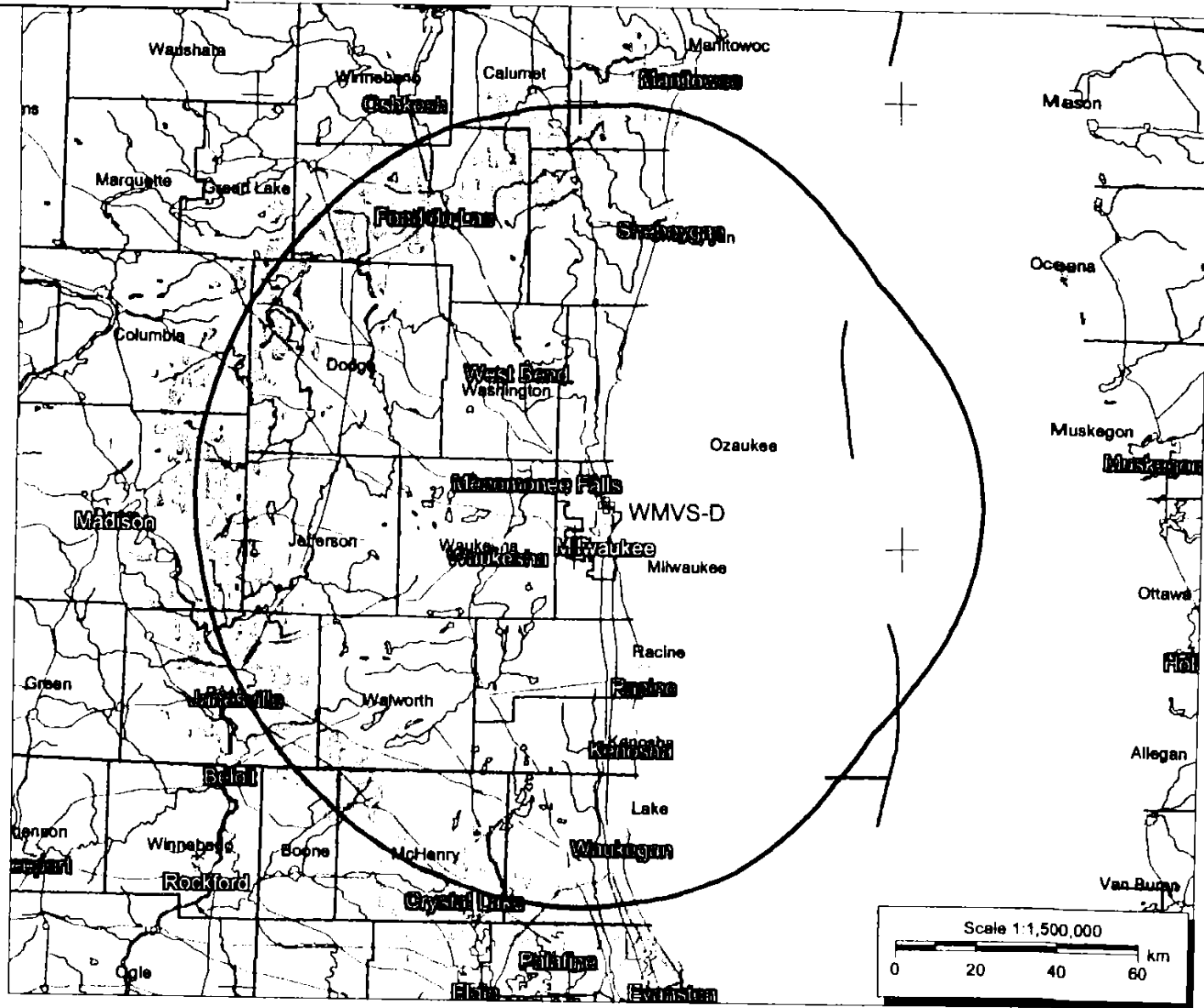
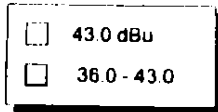
March 19, 2003
Date

General Manager, WMVS/WMTV
Title

WMVS Channel 10 - 56 dBu Contour

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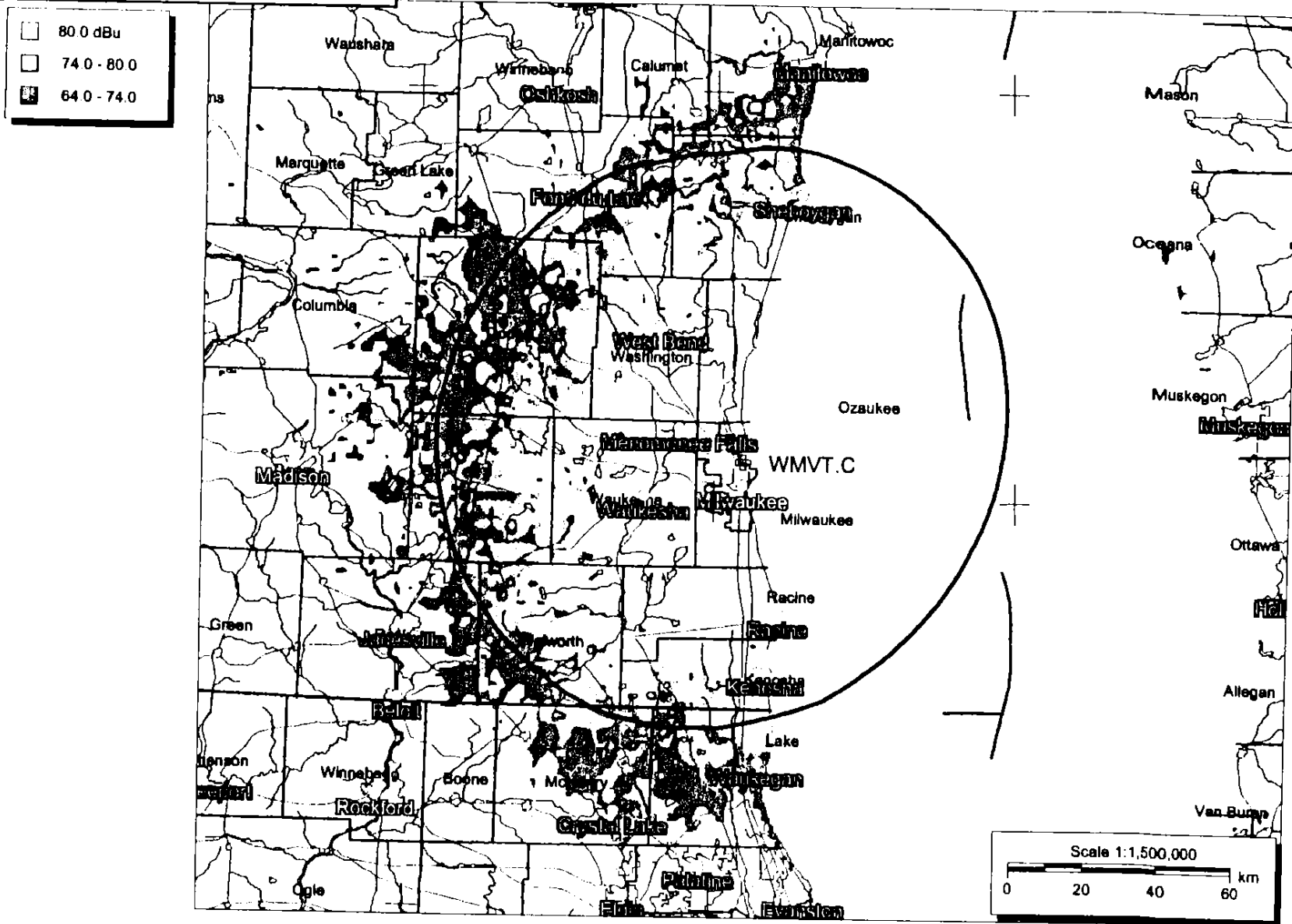
WMVS-DT Channel 8 - 36 dBu Contour



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John F.X. Browne & Associates P.C.

WMVT Channel 36 - 64 dBu Contour

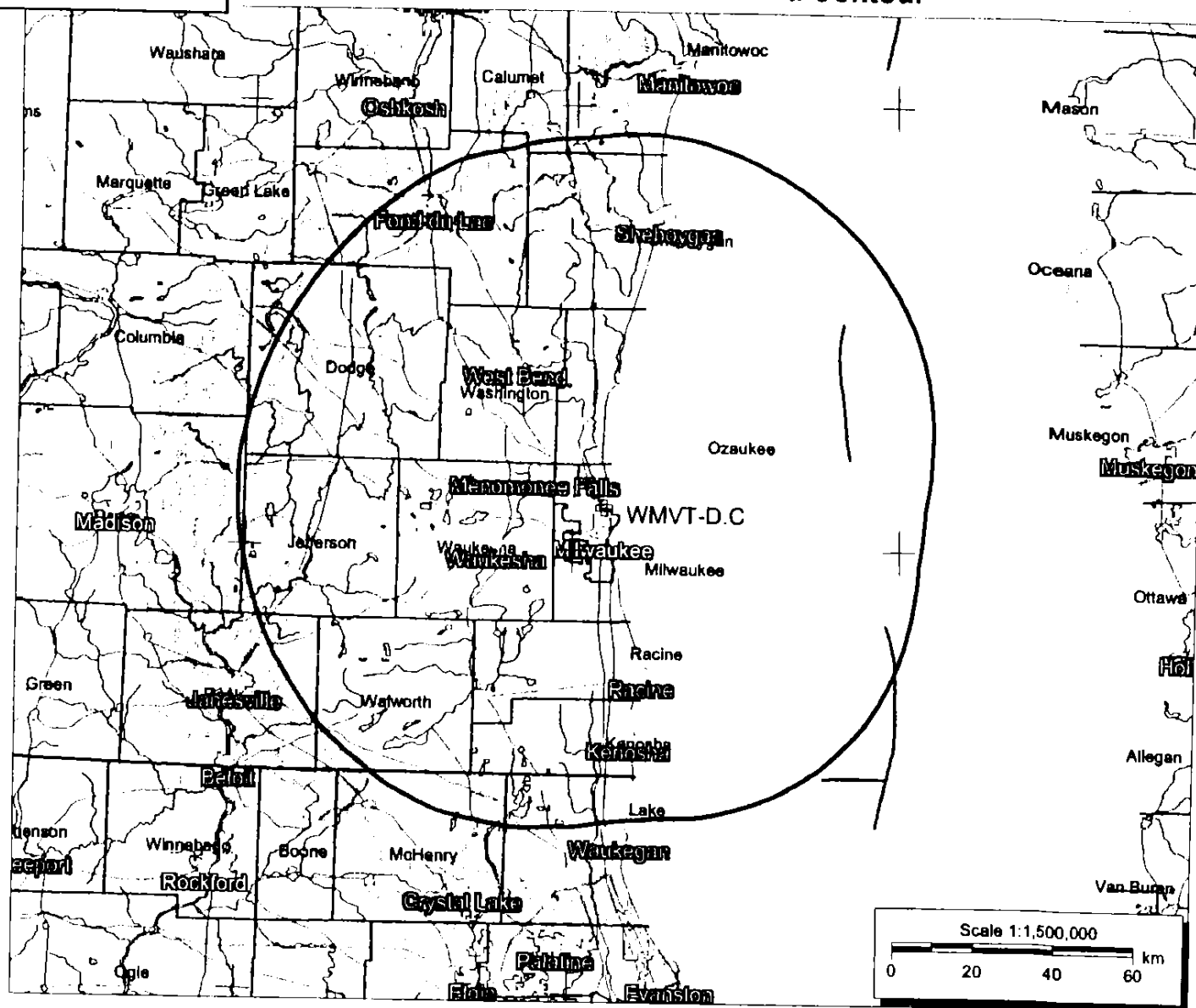


03-18-03

John F.X. Browne & Associates P.C.

WMVT-DT Channel 35 - 41 dBu Contour

- 48.0 dBu
- 41.0 - 48.0



WMVT and WMVS Population Comparison

	<u>FCC</u>	<u>FCC-Area(sq. km)</u>	<u>Longley/Rice</u>
WMVT - 64 dBu	2,199,125	19,110	2,784,609
WMVT-DT - 41 dBu	2,456,170	24,390	3,395,644
WMVS - 56 dBu	2,862,515	29,250	2,921,325
WMVS-DT - 36 dBu	3,046,118	29,758	3,457,853